

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Case No. 2:23-cv-6188 (OEM)(JW)

SUPERB MOTORS, INC., TEAM AUTO SALES LLC.,
ROBERT ANTHONY URRUTIA, 189 SUNRISE
HIGHWAY AUTO LLC., NORTSHORE MOTOR
LEASING, LLC., BRIAN CHABRIER, individually and
derivatively as a member of NORTSHORE MOTOR
LEASING, LLC, JOSHUA AARONSON, individually and
derivatively as a member of 189 SUNRISE HWY AUTO,
LLC, JORY BARON, 1581 HYLAN BLVD AUTO LLC,
1580 HYLAN BLVD AUTO LLC, 1591 HYLAN BLVD
AUTO LLC, 1632 HYLAN BLVD AUTO LLC, 1239
HYLAN BLVD AUTO LLC, 2519 HYLAN BLVD
AUTO LLC, 76 FISK STREET REALTY LLC, 446
ROUTE 23 AUTO LLC, and ISLAND AUTO
MANAGEMENT, LLC,

Plaintiffs,

-against-

ANTHONY DEO, SARA DEO, HARRY THOMASSON,
DWIGHT BLANKENSHIP, MARC MERCKLING,
MICHAEL LAURIE, TOMAS JONES, CPA, CAR BUYERS
NYC INC., GOLD COAST CARS OF SYOSSET LLC,
GOLD COAST CARS OF SUNRISE LLC, GOLD COAST
MOTORS AUTOMOTIVE GROUP LLC, GOLD COAST
MOTORS OF LIC LLC, GOLD COAST MOTORS OF
ROSLYN LLC, GOLD COAST MOTORS OF
SMITHTOWN LLC, UEA PREMIER MOTORS CORP.,
DLA CAPITAL PARTNERS INC., JONES LITTLE & CO.,
CPA'S LLP, FLUSHING BANK, and LIBERTAS FUNDING,
LLC,

Defendants.

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**DECLARATION OF MARC MERCKLING IN OPPOSITION
TO PLAINTIFFS' MOTION TO DISQUALIFY**


Marc Merckling, pursuant to 28 U.S.C. § 1746, declares under the penalty of perjury that
the following is true and correct:

1. My name is Marc Merckling and I am a Defendant in the above captioned action. As such, I have first-hand knowledge of the facts recited herein.
2. I am a retired Nassau County police officer, and I have performed parttime work for Anthony Deo and his business interests for the last few years. In that capacity, I introduced Anthony Deo to Dwight Blankenship when Anthony was looking for extra help at the dealership with all of the day to day tasks needed at dealerships.
3. The work I have performed consists mainly of menial tasks such as driving cars for several reasons (including moving the cars, obtaining cars, driving with Anthony for business purposes, dropping off/picking up cars being repaired, making deliveries), moving other items around the dealerships (e.g., office equipment and furniture, automobile parts), opening and closing the stores on given days (including checking security/locks and setting alarms), and manning the front desk at the dealerships to meet and greet people as they enter the dealerships. Although I never performed any tasks for the Deos as a police officer, I know that it brought peace of mind to the Deos that I was a trained police officer; they mentioned on several occasions how happy they were to have me around "given this crazy world."
4. I never knew Harry Thomasson prior to the closing of NorthShore and 189 Sunrise during November, 2022, although I did see him a few times when he stopped by to meet Anthony Deo at the Syosset dealership; I was told then that he was "NorthShore's attorney."
5. On a few occasions prior to late June, 2023, I saw Harry stop by Superb Motors to meet Anthony Deo; I was introduced to him during one of those visits and we were

cordial in saying hello when I saw him, but we never worked together in any prior to the night of the Lockout at Superb on August 3, 2023.

6. I first spoke with Harry (other than with a mere greeting) during the night of August 3, 2023, during the so-called Lockout at Superb Motors.
7. Since the Lockout, I have spoken to Harry on several occasions, and I have spoken about Harry to Anthony Deo on several occasions as well.
8. Me and my co-Defendants by and through the Deos in this case all agree that we want Harry to continue to represent our interests in this matter. I am aware of Harry's experience and knowledge of the Long Island automobile industry generally and specifically with respect to this case, and I cannot imagine getting anyone with his combination of skill, experience, and knowledge of this case that could possibly represent my interests in this case as well as Harry.
9. To the best of my knowledge, I have never committed any crime nor engaged in any conspiracy to commit crimes or fraud, I specifically deny each and every allegation made against me by these Plaintiffs, and I have never observed, known, or been told by anyone about any crime or conspiracy committed or engaged in by Attorney Thomasson. I find such accusations repugnant and perjurious in all respects, and I am a trained police officer who would know the difference between an honest attorney, and one engaged in criminal and/or fraudulent activity. Harry Thomasson has never been anything but professional in his conduct on behalf of NorthShore, 189 Sunrise, and Superb Motors to the best of my knowledge.
10. Accordingly, I ask this Court to deny the Motion to Disqualify in all respects. There is no basis for it, your Honor, and we need/want Harry to remain our attorney.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT. EXECUTED ON OCTOBER 30, 2023.


MARC MERCKLING